

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on October 6, 2003, and the references cited therewith.

Claims 1, 22 and 40 are amended, claims 2, 24-27 and 41-42 are canceled, and no claims are added; as a result, claims 1, 3-23, 28-40 and 43-45 are now pending in this application.

#### **§101 Rejection of the Claims**

Claims 27, 40, and 41 were rejected under 35 USC § 101 because the claimed invention is directed to non-statutory subject matter. Applicant respectfully traverses this rejection. The Office Action applies the incorrect standard for determining statutory subject matter. Under the current standard set forth in *State Street Bank*, the claimed signal produces a “useful, concrete and tangible result,” and thus the claims are directed to statutory subject matter. Nevertheless, Applicant has canceled claims 27 and 41 and has amended claim 40. Applicant respectfully requests that the rejection as to claim 40 be removed.

#### **§102 Rejection of the Claims**

Claims 1, 3, 4, 6-8, 16-27, 41-44 were rejected under 35 USC § 102(e) as being anticipated by Parthasarathy et al. (U.S. Patent No. 6,347,398). Claims 24-27 and 41-42 have been canceled. The remaining claims rejected as anticipated by Parthasarathy depend either directly or indirectly from claim 1. Claim 1 has been amended to include the limitations of claim 2 and thus is not anticipated by Parthasarathy. As set forth below, Applicant submits that currently amended claim 1 is also patentably distinguishable from the prior art of record. Claims 3, 4, 6-8, 16-23 and 43-44 depend from independent claim 1. Accordingly, applicant submits that by virtue of their dependency, these claims are not anticipated by Parthasarathy. Applicant respectfully requests removal of this rejection.

#### **§103 Rejection of the Claims**

Claims 2, 5, 9-13, 28-32, 35-40, 45 were rejected under 35 USC § 103(a) as being unpatentable over Parthasarathy et al. as applied to claims 1 and 4 in view of McNally et al. (U.S. Patent No. 6,259,448).

Rejected claim 2 has been canceled. Claim 1 has been amended to include the limitations of claim 2. Claim 1, as set forth above, is patentably distinguishable over Parthasarathy. Applicant respectfully submits that claim 1 is also patentably distinguishable over the combination of Parthasarathy and McNally. Specifically, Applicant respectfully submits that the features amended into claim 1 are not shown in either reference. McNally does not teach the suggested feature where “the user processing apparatus is configured to re-fetch data defining one or more of the components in accordance with defined rules and to use the re-fetched data for the application.” The specific references to McNally Figures 4 and 5 do not teach the amended feature. The amended feature is simply not shown in McNally. Because the claimed features are not found in either reference separately, this feature must be missing from any proposed combination of the references.

Rejected claims 3-13, 16-23 and 43-44 depend from claim 1, and thus applicant submits that these claims also are patentably distinguishable from the prior art of record.

As to the rejection of independent claims 28, 38 and 45, Applicant respectfully points out that McNally does not teach at column 6, lines 55-65 the features of a loader arranged to install the components such that the components are isolated from each other and so as to permit operational interaction between the components in accordance with the rules as stated in the Office Action. This feature is not shown anywhere in McNally. Because this feature is not shown in any of the references separately, it too cannot be found in any proposed combination of the references. Rejected claims 29-32, 35-37 and 39-40 relate to independent claim 28. Applicant submits that claim 28-32, 35-40 and 45 are patentably distinguishable from the prior art of record.

Furthermore, Applicant respectfully submits that the references are improperly combined. Applicant submits that there is no suggestion to combine McNally with Parthasarathy in the proposed manner because the prior art does not recognize the problem being solved by the Applicant. Accordingly, Applicant submits that amended claim 1 is patentably distinguishable from the proposed combination of Parthasarathy and McNally. Accordingly Applicant requests removal of this rejection as to claims 1, 3-13, 16-23, 28-32, 35-40 and 43-45.

Claims 14 and 33 were rejected under 35 USC § 103(a) as being unpatentable over Parthasarathy et al. as applied to claims 9 and 28 in view of McNally et al. Claims 14 and 33

depend from independent claims 1 and 28, respectively, and discussed above. For the reasons discussed above, applicant submits that claims 14 and 33 are patentably distinguishable from the prior art also, and respectfully requests removal of this rejection.

Claims 15 and 34 were rejected under 35 USC § 103(a) as being unpatentable over Parthasarathy et al. as applied to claim 14 and 33 in view of McNally et al. and further in view of Wong et al. (U.S. Patent No. 6,216,152). Claims 15 and 34 depend from independent claims 1 and 28, discussed above. Applicant respectfully submits that Wong does not teach the features missing in the rejection of the independent claims. Any proposed combination of Parthasarathy, McNally and Wong does not include the features of the independent claims. Accordingly, the features set forth in claims 15 and 34 are missing from any proposed combination of Parthasarathy, McNally and Wong. Furthermore, as discussed above the prior art does not suggest a combination of the references. Applicant respectfully requests removal of this rejection.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 349-9592 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 6th day of February, 2004.

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